



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: STEPHEN G. NELSON)
Serial No.: 09/899,688) Ex. L.L. GRAY
Filing Date: July 5, 2001) A/U 1734
Title: "One-Way, See-Through Panel &
Method of Making Same")

DECLARATION of GREGORY ROSS
UNDER RULE 132

I, GREGORY ROSS, am skilled in the art of one-way window graphics technology. I am the inventor of the inventions described in U.S Patent Nos. 5,525,177 and 5,830,529.

I was a founder of Clear Focus Imaging, Inc. in 1994, and I am presently employed by Clear Focus. Clear Focus Imaging is presently one of the largest manufacturers of perforated vinyl for one-way vision window graphics. Clear Focus Imaging pioneered the affordable use of one-way vision window graphics on vehicles such as buses and buildings. Clear Focus Imaging is headquartered in Santa Rosa, California and its products are distributed to over 40 countries around the world.

Clear Focus Imaging continues to develop new products with its proprietary one-way window graphics technology. One of Clear Focus Imaging products is branded "Jet Vue" which is an improved ink jet compatible window graphics film. The *Jet Vue* product is designed for use with the most popular ink jet printers. Clear Focus Imaging is licensed under U.S. Patent No. 6,258,429, which relates to a see-through, one-way vision panel wherein the front side of the panel may be top-coated to accept inks.

I have read the subject patent application, U.S. Patent Application SN 09/899,688 entitled "One-Way, See-Through Panel & Method of Making Same." I have also read

and am familiar with U.S. Patent Nos. 5,002,825 (Mimura); U.S. Patent No. 5,773,110 (Shields) and U.S. Patent No. 5,679,435 (Andriash).

I have also read the comments of the Patent Examiner as set forth in the Office Action mailed May 29, 2003. My understanding is that the Patent Examiner rejected Claims 11 to 15 on the basis that the specification of the patent application is not enabling for a second surface with a dark colored surface when an adhesive is then applied to the dark colored surface. I read the patent application as suggesting various techniques and methods of applying colorization to a surface. Reading the patent application, I understand that a surface of a film may be coated with a dark or light-absorbing coating by methods such as screen printing, flood coating, spraying, etc. Further, I read the specification as suggesting that an adhesive may be pigmented with a black or dark color light-absorbing pigment. It is within the skill of one skilled in the art to directly apply pigment to the surface of film so that the surface of the film is dark colored. In addition, the use of adhesives, as applied to substrates, i.e., plastic vinyl films, is well known and that these adhesive may either be colored or pigmented or may be clear or opaque and later colored by application of a pigment or color coating. Both of these techniques are well known in the art.

I understand that the Applicant's invention as a whole relates to a method of producing an image on a specialized substrate, namely a perforated film such as a vinyl, polyester or similar synthetic material. With the Applicant's invention, a durable graphic image of high quality can be adhered to the substrate for application to a surface, such as vehicle signage and used in adverse weather conditions. As a result, the product can be imaged and supplied to the ultimate user for installation. The user simply removes the liner backing to expose the adhesive for placement of the pre-printed product on a window.

The Applicant's invention solves the problem of proper adherence of printing ink supplied by ink jet printers. It is a recognized problem in the industry that plastic films have poor absorption characteristics and inks tend to run, not adhere properly and do not

provide the clarity and durability required for signage that may be exposed to adverse conditions. The *Jet Vue* product described above incorporates the teachings of the Applicant's issued patent, as well as the pending patent application to overcome this problem, providing a superior product having increased clarity and image durability.

I believe that the superior results of the *Jet Vue* product are obtained substantially in part to the application of a top coating which encapsulates the inks, particularly inks applied by ink jet technology. Encapsulation of the ink protects the ink and prevents running, blotting and other problems attentive with prior art printing techniques.

I further understand that the Patent Examiner rejected the claims in the application as being obvious and unpatentable over Shields in view of Andriash and Mimura. Shields does not teach a method in which an image is applied by ink jet technology. Shields deals with conventional methods of painting images on a panel for application to a window. Shields does not teach printing a top coating over the substrate onto which the painted image is applied. Accordingly, Shields teaches away from Applicant's invention, which permits the pre-printing and encapsulation of high quality graphic image on vinyl before the backing liner is removed and it is adhered to a window.

The Andriash patent is directed to a method for producing a see-through panel including applying an image to a substrate which includes ink jet printing. However, Andriash uses a retro-reflective vision control panel which includes an opaque sheet material coated with retro-reflective light reflecting particles and a dark opaque color on the reverse side thereof and an image formed over the top of the retro-reflective particles using colored, light permeable translucent inks or films to form an image. There is no teaching of a top coating or any treatment necessary for a film surface to receive an image. Thus, to one skilled in the art, incorporating the teaching of Andriash in a Shields panel would basically result in the construction shown in Andriash, not Applicant's invention.

The Mimura patent recognized the problem that when applying printing such as offset or ink jet printing to a plastic film, plastic films have poor absorption

characteristics. Accordingly, Mimura suggests providing a porous film that absorbs ink or solvent and ink, so that the drying speed of the ink is promoted. The porous layer is specified having specified peak pore diameter, specific undulation index resulting in better drying speed and clearness of the printing. The porous surface is prepared by mixing a water-disperseable polymer and a specific colloidal syllica in specific ratios and applying the mixture on the base film. Thus, while Mimura suggests a surface treatment to improve ink drying, Mimura does not suggest Applicant's ink encapsulating top coating to achieve high quality image resolution and durable weather-resistant image. Further, the porous surface of Mimura, may absorb the ink, but porous surfaces are porous in two directions, meaning that what is absorbed will also transfer back to the atmosphere, typically via hydroscopic transference.

While Shields, Andriash and Mimura all deal with the application of an image to a substrate, each patent deals with a different problem in the art. Shields is directed to perforated, painted signage. Andriash is directed to retro-reflective panels and Mimura is directed to application of a porous layer having specific characteristics. None suggest a top coating for encapsulation of inks promoting better image quality and the protection of the image. I am of the opinion that Applicant's claims are not an obvious variation or combination of the Shields, Andriash and Mimura inventions.

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that will full false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 5/14/04

/GERoss/
Gregory Ross